

Translation

PATENT COOPERATION TREATY

PCT/FR2003/003544



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 52019 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/003544	International filing date (<i>day/month/year</i>) 01 décembre 2003 (01.12.2003)	Priority date (<i>day/month/year</i>) 29 novembre 2002 (29.11.2002)
International Patent Classification (IPC) or national classification and IPC B42F 7/04, B42B 5/12		
Applicant PAPETERIES HAMELIN		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 25 juin 2004 (25.06.2004)	Date of completion of this report 11 March 2005 (11.03.2005)
Name and mailing address of the IPEA/ Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003544

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-4 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-5 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages _____ 1/3-3/3 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 03/03544

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	4	YES
	Claims	1, 2, 3, 5	NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

- D1: DE-U-20007028 (Herlitz PBS) 21-6-2000
- D2: DE-U-8905630 (Beyer and Jochem) 13-7-1989
- D3: DE-U-9016321 (Maier) 21-2-1991
- D4: FR-A1-2792573 (Treillet SA J) 27-10-2000

The subject matter of claim 1 fails to comply with the requirement of novelty defined in PCT Article 33(2).

1. Document D1 describes a document folder with at least two flaps (32, 33), including a cover consisting of two front and back leaves (31, 120) joined together along a binding (18a), wherein one leaf (31) comprises a flap (33) along at least one of the upper and lower edges thereof and a further flap (32) along the side edge thereof, which flaps can be folded inwards relative to the leaf to retain the documents therein, and the documents consist of pages non-releasably attached to the binding (18a) of the two leaves (31, 120) so that pages can be stored by folding a series of pages over one another on top of the leaf (31) and under the flaps folded

onto said leaf (cf. claim 1).

It follows that the subject matter of claim 1 is not novel.

1.1 D1 also describes the features in claims 2, 3 and 5.

2. Furthermore, D2 and D3 describe the features in claims 1 and 2 and claim 5, respectively (see, in particular, page 4, lines 13-19, figure 3; and page 3, lines 2-7, figures 1 to 3, respectively).

3. The problem that the present invention is intended to solve can thus be considered that of enhancing the attachment of the sheets in a document folder.

4. The solution proposed in claim 4 of the present application does not involve an inventive step as defined by PCT Article 33(3), for the following reasons:

4.1 The feature in dependent claim 4 has already been used for the same purpose in an equivalent document folder (see D4, page 5, lines 5-13, figure 1). It is obvious for a person skilled in the art to implement this feature, with a corresponding effect, in a document folder according to document D1, and thus arrive at a document folder according to claim 4.

5. As explained above, some of the features set forth in device claim 1 serve more to explicate the way in which the device is used than to define the device clearly in terms of technical features. The restrictions that these features are intended to define are not, therefore, clear from said claim (PCT Article 6).

5.1 Specifically, reference is made to the feature
"... non-releasably attached to the binding ...".

6. It is not obvious how a spiral-type binding can
solve the problem addressed by the invention, since
it is desirable for sheets to be readily removable
from a file, yet spiral bindings do not make this
possible (PCT Article 5 & 6).